

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 248

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 54 "LAW ENFORCEMENT", ARTICLE I "IN GENERAL", BY DELETING THE EXISTING SECTION 54-4 "RETENTION OF BADGE AND WEAPON BY RETIRED LAW ENFORCEMENT OFFICERS", AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 54-4 "RETENTION OF BADGE AND WEAPON BY RETIRED PUBLIC SAFETY OFFICERS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 54 "Law Enforcement", Article I "In General", by deleting Section 54-4 "Retention of Badge and Weapon by Retired Law Enforcement Officers", and substituting in lieu thereof a new Section 54-4 "Retention of Badge and Weapon by Retired Public Safety Officers", which shall read as follows:

**"Sec. 54-4. Retention of Badge and Weapon by Retired Public Safety Officers.**

(a) For the purpose of this ordinance, the following definitions shall apply:

1. *County public safety officer* means any County police officer, deputy sheriff, the Fire Chief and any sworn employee of the fire department who is authorized by the Fire Chief to carry a firearm on duty, the Warden of the Clayton County

Prison and any sworn employee of the Prison who is authorized by the Warden carry to a firearm on duty, or an investigator employed by the District Attorney's office or Solicitor General's office.

2. *Disability* means a medical condition that prevents an individual from working as a County public safety officer.

3. *Reimbursement schedule* means the dollar amount the retiring County public safety officer will reimburse the County for the cost of the weapon. For the purpose of this schedule, the age of the weapon is computed from the date the weapon was first put in service by a County public safety agency. For a weapon that is less than three years old the retiring officer shall reimburse the County 80% of the County's cost of the weapon but not more than \$200.00. For a weapon that is three years old but less than five years old, the retiring officer shall reimburse the County 50% of the County's cost of the weapon but not more than \$100.00. For a weapon that is five years or more in age, the retiring officer shall reimburse the County \$1.00.

4. *Weapon* means a County owned handgun issued to the public safety officer by his agency for official use as a County public safety officer.

(b) In recognition of the sacrifice made by our public safety officers who have served at least 15 years with the county and who retire and leave active duty under honorable conditions and in good standing, may retain their weapon and badge as part of their compensation. The retiring public safety officer shall reimburse the County for the cost of the weapon pursuant to the Reimbursement Schedule. Once the County receives payment, ownership of the weapon shall transfer to the retiring officer and the weapon will be removed from the County's inventory.

(c) When a County public safety officer leaves active duty as a result of a disability arising from a line of duty injury, such member shall be entitled as part of such officer's compensation to retain his or her weapon and badge. The County waives reimbursement in such cases and ownership of the weapon shall transfer to the officer and the weapon shall be removed from the County's inventory.

(d) The Director of Human Resources is designated by the Board of Commissioners to act on behalf of the County in determining an employee's qualifications under this ordinance.

1. To determine if the employee meets the 15 year requirement, the Director shall calculate each year of service or part thereof that the employee has served either as a County police officer, deputy

sheriff, any sworn employee of the fire department who is authorized by the Fire Chief to carry a firearm on duty, any sworn employee of the Prison who is authorized by the Warden carry to a firearm on duty, or an investigator employed by the District Attorney's office or Solicitor General's office or any combination thereof. The total years of service must equal or exceed 15 years. This will only include years of service as a County employee, provided however that investigators for the District Attorney's office who are paid in part or in whole by the state, will receive credit for each year or part thereof that they work for the County's District Attorney's office.

2. In addition, the Director shall determine if the employee has met all other conditions of this ordinance.
3. The decision of the Director of Human Recourses in these matters is final.
4. The employee's department head or elected official shall notify the Director of Human Resource thirty days prior to the employee's last work day before retirement or as close as possible thereto, to allow the Director sufficient time to make the determinations required by this ordinance."

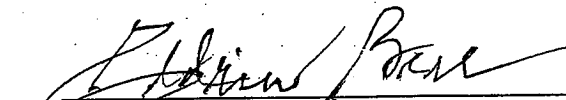
Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.


Section 3 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

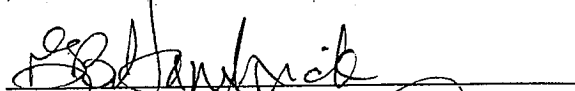
Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners and shall be retroactive in its effect for all retired county public safety officers who retired under honorable conditions and who meet the years of service conditions of this ordinance. The reimbursement provision of this ordinance is waived for all such officers. These firearms are to be removed from the County's inventory and ownership transferred to the applicable retired officer.

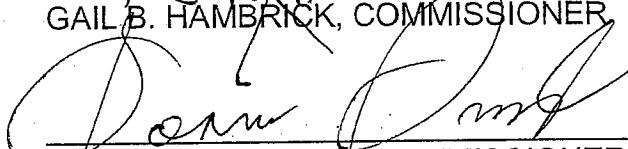
SO ORDAINED, this the 14<sup>th</sup> day of December, 2010.

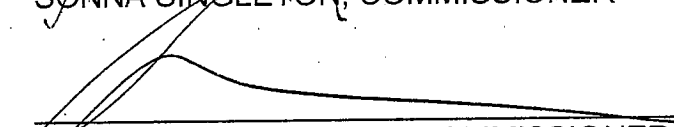
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

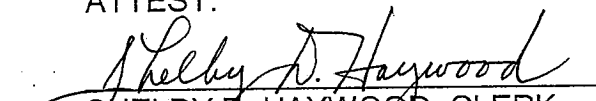
  
WOLE RALPH, VICE CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK